1. D.B. CIVIL SPECIAL APPEAL (W) NO.166/2006
Kusum Kumari Vs. State of Rajasthan & Ors.

2. D.B. CIVIL SPECIAL APPEAL (W) NO.163/2006
Sohan Lal Kumhar Vs. State of Raj. & Ors.

3. D.B. CIVIL SPECIAL APPEAL (W) NO.67/2006
Lalit Kumar & Ors. Vs. State of Raj. & Ors.

Date of judgment : 17th October, 2006

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. P.S. Bhati for the appellants in SAW No.166/06 & 163/06.
Mr. V.K. Mathur for appellants in SAW No.67/06

Mr. N.M. Lodha, Addl. Advocate General.

All these matters had a common feature. All the appellant-petitioners had earlier been appointed as Teachers Grade III though were not holding requisite eligibility qualifications for appointments and had worked for a while. It is on the premise of the said experience of teaching that the petitioner-appellants are seeking appointment as teachers Grade III without holding requisite qualifications on the basis of past experience.

The learned Single Judge has dismissed all the writ petitions finding that the persons, who do not hold requisite qualifications and have not been appointed by regular procedure or some semblance of regular process cannot be given regular appointment.

Learned counsel for the appellants have urged that notwithstanding the aforesaid legal position being clear, certain persons have been given appointment, who were similarly situated like the appellant-petitioners and therefore, the same benefit should be extended to them.

Suffice it to state that the principle is too well settled to be elaborated that two wrong cannot make one thing correct and no mandamus can be issued for bringing parity with the already existing illegality to commit more illegalities. That is not the principle of discrimination enshrined under Article 14.

We are, therefore, of the opinion that no

merit these appeals and the same are hereby dismissed.

No cost.

[GOPAL KRISHAN VYAS], J. [RAJESH BALIA], J.

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